

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO *et al.*,

Debtors.<sup>1</sup>

PROMESA Title III

No. 17 BK 3283-LTS

(Jointly Administered)

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO ELECTRIC POWER  
AUTHORITY,

Debtor.

PROMESA Title III

No. 17 BK 4780-LTS

**Court Filing Relates Only to PREPA  
and Shall Only be Filed in Case No.  
17-BK-4780 (LTS) and Main Case  
17-BK-3283 (LTS)**

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<sup>1</sup> The Debtors in these Title III cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's Federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 04780-LTS) (Last Four Digits of Federal Tax ID: 3747).

**INFORMATIVE MOTION OF U.S. BANK NATIONAL ASSOCIATION AS PREPA  
BOND TRUSTEE REGARDING FEBRUARY 1, 2023 OMNIBUS HEARING AND ORAL  
ARGUMENT ON MOTIONS FOR SUMMARY JUDGMENT**

To the Honorable United States District Court Judge Laura Taylor Swain:

**PLEASE TAKE NOTICE** that pursuant to the Court's *Order Regarding Procedures for February 1-2, 2023 Omnibus Hearing* (Dkt. No. 23253 in Case No. 17-3283) and *Order Regarding Oral Argument on Motions for Summary Judgment* (Dkt. No. 23254 in Case No. 17-3283) the PREPA Bond Trustee states as follows:

1. Clark T. Whitmore and Michael C. McCarthy from Maslon LLP, will appear on behalf of U.S. Bank National Association, solely in its capacity as successor trustee (the "Trustee") under the Trust Agreement dated as of January 1, 1974 (as amended and supplemented from time to time, the "Trust Agreement"), between the Puerto Rico Electric Power Authority and the Trustee in connection with the February 1, 2023 Summary Judgment Hearing and Omnibus Hearing hearing in San Juan, Puerto Rico, on certain motions in the above-captioned cases and related adversary proceedings (the "Hearing").

2. The Trustee's legal representatives reserve the right to be heard on any matter raised by:

- (i) *Notice of Motion and Motion of the Financial Oversight and Management Board of Puerto Rico, as Title III Representative of the Puerto Rico Electric Power Authority, for Summary Judgment Pursuant to Bankruptcy Rule 7056 (ECF No. 63 in Case No. 19-00391 (LTS)), and any other responses or filings related to the foregoing;*
- (ii) *Memorandum in support of Defendant/Counterclaim-Plaintiff's and Intervenor-Defendants/Counterclaim-Plaintiffs' Motion for Summary Judgment against Plaintiffs/Counterclaim-Defendants (ECF No. 67 in Case No. 19-00391 (LTS)), and any other responses or filings related to the foregoing;*
- (iii) *Response of the Financial Oversight and Management Board of Puerto Rico, as Title III Representative of the Puerto Rico Electric Power Authority, to Summary*

*Judgment Motion of Defendant-Counterclaim Plaintiff* (ECF No. 89 in Case No. 19-00391 (LTS)), and any other responses or filings related to the foregoing;

- (iv) *Memorandum in Response to the Financial Oversight and Management Board of Puerto Rico's Motion for Summary Judgment and Intervenor-Plaintiffs' Supplemental Briefs* (ECF No. 91 in Case No. 19-00391 (LTS)), and any other responses or filings related to the foregoing;
- (v) *Declaration of William J. Natbony pursuant to Fed. R. Civ. P. 56(d) in support of Defendants/Counterclaim-Plaintiffs' Opposition to the Motion of the Financial Oversight and Management Board of Puerto Rico, as Title III Representative of the Puerto Rico Electric Power Authority, for Summary Judgment Pursuant to Bankruptcy Rule 7056* (ECF No. 91-2 in Case No. 19-00391 (LTS)), and any other responses or filings related to the foregoing;
- (vi) *Objection of the Financial Oversight and Management Board for Puerto Rico, as Title III Representative of the Puerto Rico Electric Power Authority, to Defendants' Fed. R. Civ. P. 56(d) Application* (ECF No. 97 in Case No. 19-00391 (LTS)), and any other responses or filings related to the foregoing;
- (vii) *Defendants' Response to Objection of the Financial Oversight and Management Board for Puerto Rico, as Title III Representative of the Puerto Rico Electric Power Authority, to Defendants' Fed. R. Civ. P. 56(d) Application* (ECF No. 101 in Case No. 19-00391 (LTS)), and any other responses or filings related to the foregoing;
- (viii) *Reply of the Financial Oversight and Management Board of Puerto Rico, as Title III Representative of the Puerto Rico Electric Power Authority, in Support of Summary Judgment Motion* (ECF No. 104 in Case No. 19-00391 (LTS)), and any other responses or filings related to the foregoing;
- (ix) *Reply in support of Defendant/Counterclaim Plaintiff's and Intervenor-Defendants/Counterclaim-Plaintiffs' Motion for Summary Judgment against Plaintiffs/Counterclaim-Defendants* (ECF No. 105 in Case No. 19-00391 (LTS)), and any other responses or filings related to the foregoing;
- (x) *Memorandum of Law in support of the Motion of the Financial Oversight and Management Board of Puerto Rico, as Title III Representative of Puerto Rico Electric Power Authority, to Exclude Expert Declaration of Robert A. Lamb* (ECF No. 107 in Case No. 19-00391 (LTS)), and any other responses or filings related to the foregoing;
- (xi) *Objection by the Ad Hoc Group of PREPA Bondholders, Assured Guaranty Corp., Assured Guaranty Municipal Corp., Syncora Guarantee, Inc., and U.S. Bank National Association, as Trustee to the Motion of the Financial Oversight and Management Board of Puerto Rico to Exclude the Expert Declaration of Robert A. Lamb* (ECF No. 114 in Case No. 19-00391 (LTS)), and any other responses or filings related to the foregoing;

- (xii) *Reply of the Financial Oversight and Management Board of Puerto Rico, as Title III Representative of Puerto Rico Electric Power Authority, in support of Motion to Exclude Expert Declaration of Robert A. Lamb (ECF No. 117 in Case No. 19-00391 (LTS)), and any other responses or filings related to the foregoing; and*
- (xiii) *any other matters scheduled for the hearing or raised by any party at the hearing related to the Title III cases or any adversary proceeding pending in the Title III cases or in the interests of the Trustee.*

3. The Trustee's Party Appearance Sheet is attached hereto as **Exhibit A**.

We hereby certify that, on this same date, we electronically filed the foregoing with the clerk of the Court using the CM/ECF system, which will notify the attorneys of record.

In San Juan, Puerto Rico, today January 25, 2023.

Respectfully submitted,

**RIVERA, TULLA AND FERRER,  
LLC**

/s Eric A. Tulla

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Respectfully submitted,

**MASLON LLP**

By: /s Clark T. Whitmore

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**ATTORNEYS FOR U.S. BANK NATIONAL  
ASSOCIATION, IN ITS CAPACITY AS  
TRUSTEE**

**EXHIBIT A**  
**PARTY APPEARANCE COVER SHEET**

Name of Party		U.S. Bank National Association as PREPA Bond Trustee
Attorney 1	Appearance Method	In Person - PR
	Name	Clark Whitmore
	Law Firm	Maslon LLP
	Email	<a href="mailto:Clark.Whitmore@maslon.com">Clark.Whitmore@maslon.com</a>
	Phone Number	612-672-8200
	Docket Entry No. of Notice of Appearance	ECF No. 68 – Case 17-BK-4780
Attorney 2	Appearance Method	In Person - PR
	Name	Michael McCarthy
	Law Firm	Maslon LLP
	Email	<a href="mailto:Mike.McCarthy@maslon.com">Mike.McCarthy@maslon.com</a>
	Phone Number	612-672-8200
	Docket Entry No. of Notice of Appearance	ECF No. 3044 – Case 17-BK-4780